

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DEMETRIUS BLOODSAW,  
Petitioner,  
v.  
T. OCHOA, Warden,  
Respondent. } Case No. CV 10-4366 GHK (JCG)  
} **ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE AND  
DENYING CERTIFICATE OF  
APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Petition (“Petition”), the Magistrate Judge’s Report and Recommendation, Petitioner’s Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination.

Petitioner’s Objections parrot and rehash the arguments made in the Petition and Reply, and Petitioner’s attempts to distinguish *Swarthout v. Cooke*, 131 S.Ct. 859 (2011) lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT: (1) the Report and Recommendation is approved and adopted; (2) Judgment be entered denying the Petition and dismissing this action with prejudice; and (3) the Clerk serve copies of this Order and the Judgment on the parties.

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1        Additionally, for the reasons stated in the Report and Recommendation, the  
2 Court finds that Petitioner has not made a substantial showing of the denial of a  
3 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
4 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate  
5 of appealability.

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7        DATED: March 18, 2011

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11        HON. GEORGE H. KING  
12        UNITED STATES DISTRICT JUDGE

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